

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE**

UNITED STATES OF AMERICA,)
)
v.)
)
EDWARD BROWN & ELAINE BROWN,) Docket no. 1:09-CR-30-GZS
)
)
Defendants.)
)

ORDER ON MOTION REQUESTING INTERVIEW

On May 18, 2009, the Court received by fax a request to conduct an interview of Defendants Edward and Elaine Brown from Sean McDonald of WMUR-TV. The Court had the request docketed as a motion (Docket # 77) in order to notify the Defendants and the Government of WMUR-TV's interview request and asked that the Government file an expedited response to the Motion. The Government filed its objection to the request (Docket # 85) on May 20, 2009. In objecting to the request, the Government justifiably expresses concern that any interview of the Defendants this close to trial would improperly influence the jury pool, making it difficult for the Court to empanel an impartial jury. The Court notes that to-date it has received no direct requests from either of the Defendants (or their standby counsel) regarding media interviews although the request from WMUR-TV indicates that Defendants "have agreed to an interview."

Jury selection in this matter is slated to begin in less than six weeks with trial commencing the following day. In considering the current request, the Court's overriding concern is ensuring both Defendants are able to receive a fair and speedy trial by an impartial jury. The intersection of this concern and pretrial statements to the media are specifically addressed in District of New Hampshire Local Rules 57.1 and 83.8. Because both Defendants

are appearing *pro se* in this case, their own release of information is subject to Local Rule 57.1(a). Given Defendants' repeated frivolous filings on the docket as well as their repeated expressed unwillingness to follow the Court's orders and rules, the Court cannot be assured that the Defendants would limit their comments in any interview in accordance with Local Rule 57.1(a)(1-6). Absent such an assurance, the Court believes that a television interview in the weeks before trial would interfere with the Court's ability to secure the Defendants a fair trial before an impartial jury. Therefore, the Court hereby DENIES WMUR-TV's Motion Requesting Interview (Docket # 77) and, pursuant to District of New Hampshire Local Rule 83.8, hereby PROHIBITS any and all extrajudicial statements by all parties and witnesses prior to the completion of trial in this matter.

SO ORDERED.

/s/ George Z. Singal
United States District Judge

Dated this 21st day of May, 2009.